

CLEAN AIR ACT7-44. Noncompliance Penalty: De Minimis Exemptions

1. **AUTHORITY.** Pursuant to Section 120 of the Clean Air Act with regard to the requirements of the noncompliance penalty section where a particular instance of noncompliance is due to a violation which is de minimis in nature and duration:
 - a. To publish a notice and provide an opportunity for a public hearing.
 - b. To grant an exemption from the requirements.
2. **TO WHOM REDELEGATED.** Director, Enforcement and Compliance Assurance Division.
3. **LIMITATIONS.**
 - a. Any official exercising this authority must consult with the assistant administrator for the Office of Enforcement and Compliance Assurance prior to doing so. The OECA AA may waive consultation in writing.
 - b. Any official exercising this authority must obtain prior concurrence from the regional counsel or designee.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCE.** Section 120 of the CAA.



Debra H. Thomas
Acting Regional Administrator

APR 29 2019

Date